

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(11536 Garrison Forest Road)		
4 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Roger Quarcoopome	*	HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0443-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Roger Quarcoopome (“Petitioner”). The Petitioner is requesting Variance relief pursuant to Section 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed pole barn with a height of 20 ft. in lieu of the maximum height of 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability (“DEPS”) dated September 13, 2019, indicating:

“Since this property appears to still be served by private well &/or septic, Ground Water Management will need to review any proposed building permit for a garage.”

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 8, 2019, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Although the Department of Planning did not make any recommendations related to the proposed detached pole barn’s height and usage, I will impose conditions that the pole barn shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 4th day of October, 2019, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed pole barn with a height of 20 ft. in lieu of the maximum height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- Petitioner or subsequent owners shall not convert the pole barn into a dwelling unit or apartment. The proposed pole barn shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The proposed pole barn shall not be used for commercial purposes.
- Petitioner shall comply with the DEPS ZAC comment, dated September 13, 2019; a copy of which is attached hereto and made a part hereof.

Any appeal of this decision must be made within thirty (30) days of the date of this

Order.

Signed
LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS:dlw